

Notice of Allowability

Application No.

10/720,341

Examiner

Tam Nguyen

Applicant(s)

MATTHEWS, GEORGE J.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 7-24-07.
2. ☒ The allowed claim(s) is/are 19-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Norton on Friday, January 4, 2008.

1. The application has been amended as follows:

In the specification:

On Page 3, after line 15, insert

--Figure 8 illustrates an embodiment of the bed-bike having two pedal units that may be used simultaneously.--

In the claims:

Claims 1-18 are cancelled.

Insert the following claims:

--19. An exercise device for use with a mattress of a bed, the device comprising:
a base unit made from a frame that includes a first portion having a substantially flat shape defining a first plane, and two ends; and a second portion extending perpendicularly upward from each of said ends;
a top-side unit made from a frame that includes a first portion having a substantially flat shape defining a second plane; and a second portion extending perpendicularly downward from each of two adjacent corners of the first portion of the top-side unit to

engage the second portion of the base unit such that the first plane of first portion of the base unit is parallel to the second plane of the first portion of the top-side unit; and a first pedal unit that includes a first pedal portion with pedals and a shaft extending from the pedal portion adjustably connecting the pedal portion, diagonally relative to the second plane, to a first receiving end located on said top-side unit wherein the first portion of the base unit is adapted to be positioned directly below a mattress of a bed, the second portion of the base unit is adapted to abut an end of said mattress; the first portion of the top-side unit is adapted to be positioned to rest on a surface of said mattress above the first portion of the base unit and the second portion of the top-side unit is adjustably engaged with the second portion of the base such that the mattress is effectively clamped between the base unit and the top side-unit to allow a person laying on said mattress to exercise by rotating the pedals via their hands and/or feet.

20. The exercise device of claim 19, further comprising a second pedal unit, wherein the second pedal unit includes a second pedal portion with pedals and at least one shaft connecting said second pedal portion to a second receiving end located on said top-side unit; wherein said pedals of the first and second pedal portions are adapted to be used with said person's hands and/or feet.

21. The exercise device of claim 20 further comprises a housing that encloses said first and second receiving ends located on said top-side unit, and said housing extends perpendicularly from said first portion of said top-side unit.

22. The exercise device of claim 19, wherein the base unit is a hollow steel frame.

23. The exercise device of claim 19, wherein the top-side unit is a hollow steel frame.

24. The exercise device of claim 19, wherein the second portion of the top-side unit is a male hollow frame insertable into the second portion of the base unit, wherein the second portion of the base unit is a female hollow frame.

25. The exercise device of claim 20 wherein the first pedal portion and the second pedal portion are connected to the first receiving end and the second receiving end respectively, each by a shaft comprising a plurality of telescopically slidable shaft portions.

26. The exercise device of claim 19, wherein the substantially flat shape of the first portion of the base is a C shape configuration.

27. The exercise device of claim 19, wherein the substantially flat shape of the first portion of the top-unit is a rectangular shape configuration.

28. The exercise device of claim 19, wherein the shaft is length adjustable and/or angularly adjustable.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: A new Figure 8 will show the entire device with both the first and second pedal units together. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:.

In view of the agreed upon amendments by the applicant and the examiner, the claims as presented avoid the prior art of record. The prior art does not disclose a cycling apparatus adapted to be used by a person laying on a mattress of a bed, the

apparatus having frame components that adjustably and securely clamps onto a bed of a mattress and an length and angle adjustable shaft extended from the frame wherein the shaft includes a pedal unit having a pair of rotatable pedals for exercise.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

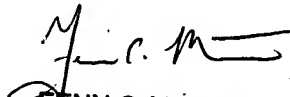
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 4, 2008


Tam M. Nguyen


FENN C. MATHEW
PRIMARY EXAMINER